

The personal base station of Fernandes is not part of a cellular network. As Fernandes admits himself (e.g. first sentence in abstract; page 2, lines 12-13; page 3, lines 5-8), the personal base station is only connected or linked to a public network in the same way as any wireline telephone set or cordless telephone fixed part. Actually the only thing that separates Fernandes's personal base station from the fixed part of a cordless telephone device is that its radio interface imitates that of a cellular radio network. Looking from the public telephone network, the personal base station looks exactly like any conventional wireline telephone terminal. It includes an auto dialing functionality that is arranged to imitate the dialing made with an ordinary wireline telephone (page 6, lines 4-5), and it goes "off-hook" when the user answers an incoming call (page 6, lines 15-16). It can be connected to a domestic subscriber's phone point (page 6, line 20) and it can even be moved from one phone point to another (page 7, line 1).

Note especially that Fernandes's personal base station is by no means connected or linked to a cellular network: see *explicit recitation of this fact* on line 11 of page 4.

The pending independent claims require there to be a cellular radio system; this does not exist in Fernandes (or does exist but only in the background with no connections whatsoever to the personal base station). The pending independent claims explicitly require the cellular radio system to comprise terminals and cells in plural form as well as a network; Fernandes's system comprises one terminal, one personal base station with one cell, and no network at all. Or if one considers the PSTN of Fernandes as a network, it does not

comprise cells because only cellular radio networks comprise cells. The pending independent claims explicitly require the network to store terminal-specific information and to transmit it to terminals in order to facilitate cell prioritizing; in Fernandes the only thing that can store and transmit terminal-specific information is the personal base station, which is not part of a network and certainly not part of a cellular radio system. The pending independent claims explicitly require the network to include stationary parts; Fernandes's personal base station is portable and can be moved from one phone point to another and thus cannot constitute a stationary part of anything.

Thus the rejection of claims 1, 4 and 6 under 35 USC 102 on Fernandes is improper and should be withdrawn.

Further since there is no suggestion in Fernandes of the above discussed limitations, the present invention is unobvious over this reference.

Barnett fails to anticipate the claimed invention because of two simple facts. Firstly, Barnett does not disclose a network that would store terminal-specific information, the measurement priorities of different cells are the same independently of terminals. See, for example, column 5, lines 34-35: "Each neighboring cell has a measurement class and priority associated with as serving cell" - nothing about the measurement classes or priorities being terminal-dependent. Secondly, as a consequence of the first fact, Barnett's system would transmit exactly the same measurement commands to all similarly located terminals. The applicant's pending independent claims explicitly require a certain terminal to prioritize certain cells in a manner that is independent of cell

selection of other similarly located terminals. This is not disclosed in Barnett.

Thus, the rejection of claims 1, 4 and 6 under 35 USC 102 on Barnett is improper and should be reversed.

Furthermore, since there is no suggestion of the present invention in Barnett, the percent invention is unobvious over this reference.

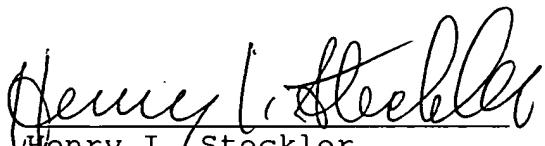
Westerberg, Wang and ESTI also failed to disclose the above features. Thus the rejection of the remaining claims under 35 USC 103 on Barnett in combination with one or more of these references should be withdrawn.

Thus, it is respectfully submitted that it is not necessary to add details from page 11 to make the claims allowable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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May 20, 2002

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